

IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
COLUMBUS, OHIO

CITY OF COLUMBUS, OHIO

% Zach Klein
Columbus City Attorney, Zone Initiative
375 South High Street, 17th Floor
Columbus, Ohio 43215,

Plaintiff,

v.

IGWT PROPERTIES, LLC

% John Sung, Statutory Agent
1265 Morse Road
Columbus, Ohio 43229

and

**CHERYL BROOKS SULLIVAN
FRANKLIN COUNTY TREASURER**

373 S. High Street, 17th Floor
Columbus, Ohio 43215

and

REAL PROPERTY LOCATED AT:

2765 Eastland Mall
Columbus, Ohio 43232

Defendants.

Case No.

JUDGE STEPHANIE MINGO

VERIFIED COMPLAINT

FOR INJUNCTIVE RELIEF

**Parcel Nos. 010-137336-00 and
010-005372-00**

1. This complaint concerns enforcement of Ohio Revised Code (hereinafter "R.C.") Chapter 3767 *et seq.*, Title 33 (Zoning Code) of the Columbus City Code so as to be within the exclusive jurisdiction of the Environmental Division of the Franklin County Municipal Court pursuant to R.C. § 1901.181.

2. Plaintiff has standing pursuant to R.C. § 713.13 to bring an action seeking an injunction to prevent violations of its housing ordinances of the City of Columbus, Ohio.

3. The Court has personal jurisdiction over the individual Defendant pursuant to R.C. § 2307.382(A)(8) since the basis of this complaint is real property situated in Franklin County, Ohio.

4. The Court is a proper venue pursuant to Civ.R. 3(B)(5), since the subject of the action is real property situated in Franklin County, Ohio.

PARTIES

5. Plaintiff, Columbus, Ohio, is a municipal corporation organized under the Constitution and laws of the State of Ohio as well as the Charter, ordinances, and codes of the City of Columbus, Ohio. Zach Klein is the duly elected City Attorney for the City of Columbus, Ohio and brings this action in his official capacity.

6. IGWT Properties, LLC is the owner, occupant, and/or interested party of the Premises by virtue of a Limited Warranty Deed recorded with the Franklin County Recorder's Office, Instrument Number 202103150046438, and is an individual/entity in charge, care and control of the Premises.

7. Cheryl Brooks Sullivan is the duly elected, sworn, and serving Treasurer of Franklin County, Ohio, and may claim an interest in the property for unpaid and future taxes. This interest could be adversely affected by this action.

8. The real property that is the subject matter of this complaint is located at 2765 Eastland Mall, Columbus, Ohio 43232 known as Franklin County Permanent Parcel Nos. 010-137336-00 and 010-005372-00, (hereinafter "the Premises"), situated in the City of Columbus, Franklin County, Ohio. This action is also *in rem* with respect to the Premises.

FACTS

9. IGWT Properties, LLC has been a property owner of record of the Premises since March 12, 2021.

10. On or about March 19, 2021, Property Maintenance Inspector Preston Salas of the Department of Development's Code Enforcement Division had reason to and inspected the Premises and observed violations of the Columbus City Code as listed in Exhibit A.

11. Preston Salas issued Zoning Code Violation Notice 21470-01382 (hereinafter "The Order") to Defendant detailing violations of the Columbus Zoning Code, Title 33.

12. The Order stated that the violations needed to be corrected within 20 days of service of the order, unless an extension was granted.

13. On or about October 7, 2021, Property Maintenance Inspector Krista Conrad re-inspected the Premises and found that the property was still not in compliance with Columbus City Code as stated in Krista Conrad's attached Affidavit. (*See attached Plaintiff's Exhibit A.*)

14. Plaintiff asserts that this order was not appealed or complied.

CLAIM FOR RELIEF

15. Plaintiff incorporates the preceding paragraphs 1 through 14 as if fully incorporated herein.

16. By reason of the foregoing, the Premises, in its non-compliant state, does not comply with the provisions of the Columbus Zoning Code-Title 33 and Columbus Nuisance Abatement Codes-Title 45 and/or Title 47 or with the provisions of the Columbus and Ohio Building Codes.

17. By reason of the foregoing, the Premises, in its non-compliant state, constitutes a public nuisance as defined in R.C. § 3767.41(A)(2)(a) and Columbus City Code § 4703.01(F), § 4501.275 and § 4101.16.

18. Defendant(s) have a duty to abate the nuisance at 2765 Eastland Mall, Columbus, Ohio 43232 by bringing the property into compliance with the Columbus and Ohio Building Codes, the Columbus Housing, Zoning and Nuisance Abatement Codes.

JUDGMENT AND RELIEF DEMANDED

WHEREFORE, Plaintiff demands judgment as follows:

Code Violations

1. A determination that the Premises violates Columbus City Codes Title, 33 and/or O.R.C. § 3767.41.
2. An order requiring the defendant(s) and any successor(s) in interest or title to bring the Premises into compliance with any and all applicable provisions of the Columbus City Code and/or Ohio Revised Code.
3. An order preliminarily and permanently enjoining the defendant(s) and any successor(s) in interest or title from further violating any and all applicable provisions of the Columbus City Code and/or Ohio Revised Code at the Premises.

Public Nuisance

4. A determination that the Premises constitutes and be declared a public nuisance as defined by C.C.C. §§ 3303.16, 4101.16, 4501.275, 4703.01(F) and/or O.R.C. § 3767.41(A)(2).
5. An order preliminarily and permanently enjoining the defendant(s) and any successor(s) in interest or title from maintaining a public nuisance at the Premises.
6. An order preliminarily and permanently enjoining the defendant(s) from maintaining a public nuisance within the territorial limits of Franklin County, Ohio.

Plaintiff to Abate

7. Authorize Plaintiff, Plaintiff's agent pursuant to O.R.C. § 715.261(E), and/or Plaintiff's private contractor to enter onto the Premises and perform abatement activity pursuant to C.C.C. §§ 4109.06, 4509.06, 4701.08, R.C. §§ 715.26 and/or 715.261, including, but not limited to, demolishing any and all structures located on the Premises.

8. Authorize Plaintiff, and/or its agent pursuant to O.R.C. § 715.261(E), to recover the total cost of abatement activity pursuant to C.C.C. §§ 4109.06, 4509.06, 4701.08, and/or R.C. §§ 715.261(B) including, but not limited to: (1) certifying the costs to the county auditor for placement as a charge upon the Premises' tax list, (2) commencing a civil action, and (3) filing a lien on the Premises and pursuing a foreclosure action for a minimum bid equal to the sum of the taxes, penalties, interest, costs, assessments, total cost of abatement activity and any associated court costs and interest.

Receivership

9. Appoint a receiver, pursuant to O.R.C. §§ 1901.131, 2735.01 and/or 3767.41(C)(3).
10. Authorize said receiver to do any and all acts as the Court deems necessary pursuant to O.R.C. §§ 2735.04 and/or 3767.41 including, but not limited to: (1) repairing or renovating any and all structures on the Premises, (2) demolishing any and all structures on the Premises, and (3) selling the Premises free and clear of any and all liens.
11. Tax as court costs, or otherwise treat as an administrative expense of this matter, pursuant to O.R.C. §§ 2735.04 and/or 3767.41, any funds that are expended by or on behalf of the receiver.
12. Declare, through an enforceable order, that any and all courts costs and administrative expenses of this matter shall have priority over any and all preexisting liens upon the Premises.

Additional Relief

13. An award of Plaintiff's costs and attorney's fees payable by defendant(s).
14. All such further equitable and other relief as the Court determines Plaintiff to be entitled.

Respectfully submitted,

**CITY OF COLUMBUS, DEPARTMENT OF LAW
ZACH KLEIN, CITY ATTORNEY**



Christopher C. Clark (0096257)

Assistant City Attorney

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Columbus, Ohio 43215

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Attorney for Plaintiff City of Columbus

AFFIDAVIT**CODE ENFORCEMENT**

Now comes **Krista Conrad** who being first duly cautioned and sworn, stating that I have personal knowledge of the facts contained in this affidavit and that I am competent to testify to the matters stated herein, and state as follows:

- 1.) I am currently employed by the City of Columbus, Department of Development as a Property Maintenance Inspector. I have been employed with the City of Columbus Code Enforcement Division **20.5** years.
- 2.) In his capacity as a Property Maintenance **Inspector**, **Preston Salas** had reason to initially inspect the property located at **2765 Eastland Mall**, Columbus, Ohio, **43232**, Parcel Number **010-137336** and **010-005372**. The date of his original inspection was **3/19/2021**.
- 3.) During the course of the inspection Property Maintenance **Inspector Preston Salas** witnessed the following violations of the Columbus City Code:
There were numerous inoperable vehicles parked, kept or stored at the property (cc3312.37), the property did not have current zoning clearance for storage, parking or keeping of inoperable vehicles, semi trailers and semi trucks (cc3305.01), and the last known approved site plan did not permit storage, parking or keeping of inoperable vehicles, semi trailers and semi trucks (cc3305.03), and the parking lot was in need of general maintenance (cc3312.23).
- 4.) As a result of these violations, Order **21470-01382** was issued.
- 5.) I re-inspected the aforementioned property on **10/7/2021** and found the following violations:
There were numerous inoperable vehicles parked, kept or stored at the property (cc3312.37), the property did not have current zoning clearance for storage, parking or keeping of inoperable vehicles, semi trailers and semi trucks (cc3305.01), and the last known approved site plan did not permit storage, parking or keeping of inoperable vehicles, semi trailers and semi trucks (cc3305.03), and the parking lot was in need of general maintenance (cc3312.23).

FURTHER AFFIANT SAYETH NAUGHT.

Krista Conrad
Krista Conrad, Property Maintenance Inspector

Sworn to and Subscribed in my presence this 15 day of December, 2021.

By: *Cassandra L. Scurlock*, Notary Public



CASSONDRA L. SCURLOCK
Notary Public, State of Ohio
My Commission Expires
05-14-2024

EXHIBIT

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